

**Washington State Human Rights Commission
MEETING OF
July 22, 2005**

**Red Lion Hotel
Sea Tac, WA**

MINUTES

ATTENDENCE

Commissioners: Ellis Casson, Commission Chair Pro Tem; Dallas Barnes; Deborah Sioux Cano-Lee; and Jerry Hebert. A quorum was present.

Staff: Marc Brenman, Executive Director; Tanya Calahan, Executive Assistant to the Commissioners; Jerry Lee and Sharon Ortiz, Operations Managers; Idolina Reta, Special Assistant; and Arleen Sandifer and Frank Trevino, Equal Opportunity Compliance Investigators.

Guests: Jeanette Leino and Steve Hunt, Equal Employment Opportunity Commission and TVW staff.

(Audio tape one – side one)

OPENING AND WELCOME

Commissioner Casson called the meeting to order at 9:15 a.m.

APPROVAL OF MINUTES

Executive Assistant Tanya Calahan asked that the Commissioners postpone approval of the June 23-24, 2005 minutes to the August 26, 2005 meeting. Commissioner Hebert moved to postpone approval of the minutes. Commissioner Lee seconded the motion. MOTION CARRIED.

Commissioner Hebert made a motion to approve the May 19-20, 2005 minutes. Commissioner Lee seconded the motion. MOTION CARRIED.

The Commissioners considered the minutes of June 30, 2005. Commissioner Hebert made a motion to approve the minutes. Commissioner Barnes seconded the motion. MOTION CARRIED.

CASE CLOSURES

Commissioner Hebert made a motion to approve the case closures. Commissioner Lee seconded the motion. MOTION CARRIED.

EXECUTIVE DIRECTORS REPORT

Mr. Brenman briefly spoke about his monthly written Executive Director's Report to the Commissioners.

COMMISSIONER ACTIVITIES

Commissioner Barnes was involved with outreach on aging communities in Pasco.

Commissioner Hebert recently spoke at a Pride event. He conducted outreach regarding the Commission's HIV and AIDS jurisdiction under RCW 49.60.

Commissioner Casson met with Seattle staff and attended the farewell for outgoing Operations Manager Berneta Walraven.

UNFINISHED BUSINESS

NEW BUSINESS

(Audio tape one – side two)

The Commissioners discussed the items on the agenda under New Business. Commissioner Hebert commented about advisory committee process and how advisory committees would receive travel reimbursement.

The Commissioners next considered the proposed resolution regarding the Japanese Internment memorial on Bainbridge Island. Commissioner Hebert gave background information regarding the controversy surrounding the internment issue.

Commissioner Hebert made a motion to adopt the resolution with grammatical changes. Commissioner Lee seconded the motion. MOTION CARRIED.

Commissioner Barnes spoke about the resolution for Dr. Arthur Fletcher. He read the draft resolution aloud. Commissioner Casson made a motion to approve the resolution with grammatical corrections and verification of whether or not Dr. Fletcher was one of the first two Black City Council members in Washington. Commissioner Lee seconded the motion. MOTION CARRIED.

Operations Manager Sharon Ortiz commented about an upcoming Pow Wow event in Spokane. The Pow Wow attendance could reach 25,000 people. She commented about the need for the Commission to do more work with the Native American community. No monetary co sponsorship is necessary for the Pow Wow, just administrative support to mail out items such as vendor letters. Commissioner Hebert made a motion to endorse the upcoming Pow Wow event in Spokane. Commissioner Lee seconded the motion. MOTION CARRIED. Commissioner Lee offered to help if needed.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) PRESENTATION

Jeanette Leino spoke about EEOC's jurisdiction. EEOC pays Fair Employment Practices Agencies (FEPA's) such as the Commission \$500 per case. For the next contract period, the Commission's case load will probably be 500 cases as a result of a downward modification. Ms. Leino commented about the lack of investigators at the Seattle District office. There are only 12 investigators currently. She spoke about her desire to take a more proactive approach to case investigations. Outreach is very important; not just to businesses but to community based organizations also. She also shared that employees need to know their employment rights too.

Commissioner Hebert asked about EEOC's systemic case program, which is not as vigorous as it used to be given the limited resources. Each investigator has a 100 case workload. Commissioner initiated charges have gone down considerably too. Human Rights Commission Commissioners have similar authority to issue Commissioner initiated complaints.

RECONSIDERATIONS

(Audio tape two – side one)

The **Collins v. Dwade Creveling** case was postponed because of technical difficulties with the hotel's telephone system. Equal Opportunity Compliance Specialist Bruce Redding summarized the case.

Bruce Redding provided a summary of the **Warner v. Northstar Bank** case. The Commissioners discussed whether or not the employer was on notice about an accommodation need by complainant and whether or not she had to specifically request an accommodation.

After discussion, Commissioner Barnes made a motion to deny complainant's petition for reconsideration. Commissioner Hebert seconded the motion. MOTION CARRIED.

Bruce Redding provided a summary of the **Nighbor v. Shopko** case. Commissioner Hebert made a motion to deny the petition for reconsideration. Commissioner Barnes seconded the motion. Commissioner Lee voted no. MOTION CARRIED.

OTHER ITEMS

Commissioner Barnes asked that modifications be made to the resolution for Dr. Fletcher by removing references to his personal experiences with Dr. Fletcher. He then made a motion to that effect. Commissioner Hebert seconded the motion. MOTION CARRIED.

Commissioner Hebert spoke about the GLBT (Gay, Lesbian, Bi-Sexual and Trans-gendered) plan to plan. The goal is to provide education on the subject. Marc Brenman spoke about House Bill 1515's history, which relates to discrimination based on sexual orientation. Commissioner Hebert made a motion to approve the plan to plan. Commissioner Lee seconded the motion. MOTION CARRIED.

Commissioner Barnes commented about the notable case production. Send a letter to staff in appreciation for their good work.

The Commissioners will enter into executive session to discuss a complaint against an employee and review qualifications of a public employee.

DISPUTE RESOLUTION PROTOCOL

Assistant Attorney General Traci Friedl commented about her recommended changes to the draft protocol. Commissioner Hebert made a motion to approve the protocol with Ms. Friedl's recommended changes. Commissioner Lee seconded the motion. MOTION CARRIED. Ms. Friedl will provide her comments to Tanya Calahan to include in the final version for distribution.

EXECUTIVE SESSION

Commissioner Casson announced that the Commissioners will enter executive session to review a complaint against a public employee and to evaluate the qualifications of an applicant for public employment for thirty-five minutes.

(Audio tape two – side two)

After the executive session concluded the Commissioners announced that they will table the discussion about the complaint against a public employee to the next Commission meeting.

The Commissioners engaged in discussion about the process for process for employees who resign and whether they should be allowed to stay after they've submitted their resignation.

Commissioner Hebert then made a motion to proceed with hiring of housing unit manager after a limited published recruitment for the position has taken place. Commissioner Lee seconded the motion. MOTION CARRIED.

There being no further business, the meeting adjourned at 3:41 p.m.

Respectfully submitted,

Tanya Y. Calahan
Executive Assistant to the Commissioners